



January 25, 2002

The Honorable Michael K. Powell  
Chairman  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

RE: Nextel White Paper Regarding Elimination CMRS-Public Safety  
Interference in the 800 MHz Band

Dear Chairman Powell:

The Satellite Industry Association ("SIA")<sup>1</sup> submits this letter in opposition to the White Paper that was submitted to your office by Nextel Communications on November 21, 2001 ("Nextel's proposal"). Nextel's proposal suggests the realignment of 36 MHz of the 800 MHz band to alleviate CMRS-public safety interference. In exchange for relinquishing disparate blocks of spectrum in the 800 MHz band (along with band segments at 700 MHz and 900 MHz), Nextel seeks unfettered nationwide control of 10 MHz of spectrum in the mobile satellite service ("MSS") allocation in the 1990-2025 MHz and 2165-2200 MHz band ("2 GHz MSS" band).

SIA recognizes the need to improve the interference environment at 800 MHz for both public safety and industrial/business users. However, it is the use of the band by Nextel that has precipitated the interference issues. The use of more modern receive equipment with improved selectivity can allow inter-service sharing if deployed more broadly. The responsibility and burden of resolving coordination

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<sup>1</sup> SIA is a national trade association representing the leading U.S. satellite manufacturers, service providers, and launch service companies. SIA serves as an advocate for the U.S. commercial satellite industry on regulatory and policy issues common to its members. With member companies providing a broad range of products and services, SIA represents the unified voice of the U.S. commercial satellite industry. SIA's members include: The Boeing Company; SES Americom; Globalstar, L.P.; Hughes Electronics Corp.; Intelsat; Lockheed Martin Corp.; Loral Space & Communications Ltd.; Mobile Satellite Ventures; PanAmSat Corporation; Teledesic Corporation; and TRW Inc.

issues between services should be done among the licensees in the particular bands however, and not visited upon licensees in other bands who had no role in creating the Nextel interference problem which must be solved.

SIA urges the Federal Communications Commission ("Commission") to preserve the 2 GHz MSS spectrum allocation and not reallocate any portion of the band to Nextel. The viability of the services to be offered by 2 GHz MSS licensees would be compromised if the Commission were to award Nextel the spectrum it requests. Nextel's proposal would result in additional delay, confusion and possible increased cost of a more complicated spectrum plan at 2 GHz, which could be extremely damaging to the prospects of many 2 GHz MSS licensees. Moreover by affecting incumbent terrestrial users of the 2 GHz MSS band earlier and more severely than anticipated in the Commission's plan, Nextel's approach would exacerbate the relocation burden already faced by 2 GHz licensees.

Nextel argues that its proposed realignment of the 800 MHz band necessitates the reallocation of 2 GHz MSS spectrum to Nextel, and claims, "no incumbent licensee would lose any spectrum."<sup>2</sup> Nextel is well aware of the Commission's July 17, 2001 decision to issue eight 2 GHz MSS authorizations and to set implementation milestones for the systems. The 2 GHz MSS licensees will have to expend billions of dollars in reliance on the Commission's allocation of 2 GHz spectrum by investing in satellites, launch vehicles and major gateway sites.<sup>3</sup> The Commission must allow adequate time for new entrants in the MSS industry to develop their systems and offer their services. It would disserve the public interest to deprive these licensees of sufficient spectrum before giving them an opportunity to grow their business.

Any tampering with the recently made 2 GHz MSS allocation would disrupt the Commission's long-standing objective of offering universal access to basic and advanced telecommunications services to underserved communities. MSS provides important opportunities for cost-effective communications to rural and remote areas as well as underserved communities that are isolated by terrain or distance or otherwise neglected not only by terrestrial wireline but wireless operators as well. MSS also offers a critical means of communications during natural and other disasters that could render terrestrial communications systems unavailable for use.

A reallocation of 2 GHz MSS spectrum would also conflict with international allocations that the Commission vigorously pursued in the 1992 World Administration Radio Conference ("WARC-1992")

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<sup>2</sup> Letter to Thomas J. Surgue, Chief, Wireless Telecommunications Bureau, from Robert S. Foosaner, Senior Vice-President and Chief Regulatory Officer, Nextel (November 21, 2001).

<sup>3</sup> ICO Services Ltd. has already made over \$3 billion of such expenditures. *See* Ex parte letter from C. Tritt, Counsel for ICO Global Communications, to FCC Chairman and Commissioners at 2 n.2 (Apr. 19, 2000).

and the 1995 World Radio Conference (“WRC-95”).<sup>4</sup> The Commission has noted that the allocation of the 2 GHz band should be as consistent as possible with the international allocation to ensure universal service.<sup>5</sup> A material modification of the domestic allocation of the 2 GHz band could be viewed as undermining the importance of a globally consistent allocation of contiguous spectrum.

SIA acknowledges the interference problem in the 800 MHz band and the critical importance of interference-free public safety communications, yet Nextel’s proposal is by no means the best, and certainly not the only, method of addressing the problem. SIA understands that other licensees and users of the 800 MHz band are developing alternative solutions that do not involve revoking the spectrum allocation so recently approved for 2 GHz MSS. For example, the National Association of Manufacturers and MRFAC, Inc. have offered an alternative “rebanding” solution that reportedly could solve the Nextel interference problem at a lesser cost to the parties involved. The issue of granting additional spectrum to public safety should appropriately be dealt with in a separate proceeding, which would involve, among other considerations, the pending transition of UHF television spectrum.

The Commission should seek resolution of the Nextel interference concerns for public safety at 800 MHz. No reason exists, however, for the Commission to withdraw spectrum recently allocated to 2 GHz MSS in an attempt to resolve these Nextel interference concerns. Instead, the Commission should allow 2 GHz licensees the opportunity to make full use of the MSS allocation and to permit other users of the 800 MHz band to offer less disruptive solutions to harmful interference problems in that band.

Respectfully submitted,  
**Satellite Industry Association**



Richard DalBello  
Executive Director

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<sup>4</sup> WARC-92 allocated the 1980-2010 MHz and 2170-2200 MHz bands for MSS worldwide at the urging of the United States. During WRC-95 the United States secured additional allocations at 1990-2025 MHz and 2165-2200 MHz for MSS in the United States and Canada and succeeded in facilitating the availability of MSS systems at 1980-2010 MHz and 2170-2200 MHz by January 1, 2000. *See* Amendment of Section 2.106 of the Commission’s Rules to Allocate Spectrum at 2 GHz for Use by the Mobile-Satellite Service, *First Report and Order and Further Notice of Proposed Rule Making*, 12 FCC Rcd 7388 (1997).

<sup>5</sup> *See id.* at 7395, ¶14.